

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**NEW JERSEY SPINAL MEDICINE AND  
SURGERY, P.A.,**

**Plaintiff,**

**v.**

**AETNA INSURANCE CO.,**

**Defendant.**

Civil Action No.  
09-2503 (WJM)

**ORDER**

A Report and Recommendation was filed on September 16, 2009, recommending that this civil action be remanded to the Superior Court of New Jersey, and that the cross-motion of Defendant Aetna Insurance Co. for dismissal pursuant to Fed. Civ. P. 12(b)(6) be denied as moot. The parties were notified that they had ten days to submit objections and responses to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). No objection or response having been received by this Court, and the Court having reviewed the Report and Recommendation *de novo*, and good cause appearing,

**IT IS** on this 13<sup>th</sup> day of October 2009, hereby

**ORDERED** that the Report and Recommendation of Magistrate Judge Mark Falk is adopted as the Opinion of this Court; and it is further

**ORDERED** that this matter be and hereby is remanded to the Superior Court of New Jersey; and it is further

**ORDERED** that the cross-motion of Defendant Aetna Insurance Co. for dismissal

pursuant to Fed. R. Civ. P. 12(b)(6) is **DENIED** as moot.

/s/ William J. Martini  
**William J. Martini, U.S.D.J.**